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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

JUAN SALSE, et al.,

Plaintiffs,

-against-

CITY OF NEW YORK, et al.,

Defendants.

X

03-CV-5641 (ARR)(CLP)

NOT FOR  
PRINT OR ELECTRONIC  
PUBLICATION

ORDER

X

ROSS, United States District Judge:

I have received the Report and Recommendation on the instant case dated July 31, 2006 from the Honorable Cheryl L. Pollak, United States Magistrate Judge. No objections have been filed. Having conducted a de novo review of the record, I hereby adopt the Report and Recommendation as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

Accordingly, this action will be dismissed for failure to prosecute unless plaintiffs contact the court, either personally or through counsel, on or before October 2, 2006.

SO ORDERED.

Allyne R. Ross  
United States District Judge

Dated: August 15, 2006  
Brooklyn, New York

SERVICE LIST:

Plaintiffs

Juana Salse, Juan Salse, and/or Erison Salse  
37-06 65th Street  
Woodside, NY 11377

Juana Salse, Juan Salse, and/or Erison Salse  
38-12 65th Street  
Queens, NY 11377

Plaintiffs' Former Attorney

Thomas G. Sheehan  
Cheda & Sheehan  
76-03 Roosevelt Avenue  
Jackson Heights, NY 11372

Defendants' Attorneys

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New York, NY 10007

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100 Church Street  
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Mary Theresa O'Flynn  
Corporation Counsel of the City of New York  
100 Church Street  
New York, NY 10007

cc: Magistrate Judge Cheryl L. Pollak

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EASTERN DISTRICT OF NEW YORK

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**REPORT AND  
RECOMMENDATION**

03 CV 5641 (ARR)

On November 3, 2003, plaintiffs Juan, Juana, and Erison Salse filed this action pursuant to 42 U.S.C. § 1983, seeking damages from the City of New York based on an alleged false arrest on November 3, 2000 by officers of the New York City Police Department. (Compl. ¶ 14).

Following the filing of the complaint, plaintiffs' counsel Thomas Sheehan, Esq., reported that the parties had been engaged in settlement negotiations and that a settlement was expected to be reached shortly. (Pls.'s Letter of January 5, 2005). Unfortunately, before the matter could be resolved, Mr. Sheehan was terminated by the Court as plaintiffs' counsel.

By Order dated March 31, 2006, this Court scheduled a status conference for April 19, 2006, at which plaintiffs were Ordered to appear in person with new counsel, or be prepared to proceed pro se. (Order of March 31, 2006). The Order, sent by mail to plaintiffs at their last known address, was returned as undeliverable on April 5, 2006. Despite diligent efforts by the Court and by defendants' counsel, the Court has been unable to obtain a current address for the plaintiffs in order to advise them of the status of their case and that they are no longer represented by counsel.

This case has not progressed since the termination of plaintiffs' counsel, and for the past six months, this Court has neither heard from plaintiffs or been able to contact them to determine

whether they wish to continue to prosecute this case. Accordingly, this Court respectfully recommends that the case be dismissed for failure to prosecute unless plaintiffs contact the Court, either personally or through counsel, on or before October 2, 2006.

Any objections to this Report and Recommendation must be filed with the Clerk of the Court, with a copy to the undersigned, within ten (10) days of receipt of this Report. Failure to file objections within the specified time waives the right to appeal the District Court's Order. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(a), 6(e), 72; Small v. Sec'y of Health and Human Servs., 892 F.2d 15, 16 (2d Cir. 1989).

The Clerk is directed to mail copies of this Report and Recommendation to the parties.

**SO ORDERED.**

Dated: Brooklyn, New York  
July 31, 2006

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Cheryl L. Pollak  
U.S. Magistrate Judge